

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY AND STATE FARM FIRE AND CASUALTY
COMPANY,

PLAINTIFFS,

v.

OPTIMUM HEALTH ACUPUNCTURE P.C., ET AL.

DEFENDANTS.

Case No.: 1:21-cv-05523
(MKB)(PK)

**STIPULATION AND ORDER
GRANTING LEAVE TO FILE
AMENDED ANSWER**

Plaintiffs, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY and STATE FARM FIRE AND CASUALTY COMPANY, and Defendants, Optimum Health Acupuncture, P.C. (“Optimum”), and Vadim Dolsky (“Dolsky”), and hereinafter collectively referred to as (“Dolsky Defendants”), submit the following Joint Stipulation and request that the Court grant Dolsky Defendants leave to file an Amended Answer to Rule 15(a) of the Federal Rules of Civil Procedure:

1. Plaintiffs filed their Second Amended Complaint on August 17, 2023.
2. On December 13, 2023, the Dolsky Defendants served their answer with counterclaims on Plaintiffs. The Dolsky Defendants alleged the following counterclaims against Plaintiffs: (1) breach of covenant of good faith and fair dealing; and (2) violation of Section 349 of New York’s General Business Law.
3. On February 5, 2024, Plaintiffs moved to dismiss Dolsky Defendants counterclaims.
4. Pursuant to the briefing schedule approved by the Court, the Dolsky Defendants were to serve their opposition on Plaintiff’s on or before March 15, 2024.

5. In lieu of filing opposition to Plaintiffs Motion to Dismiss, the Dolsky Defendants seek to amend their answer which would dismiss their counter claims without prejudice.

6. The parties have met and conferred regarding the filing of an Amended Answer, and Plaintiffs' consent to such filing.

7. The Dolsky Defendant's proposed Amended Answer is attached hereto as **Exhibit "A"**.

NOW, THEREFORE, the parties hereby stipulate and request that the Court grant the Dolsky Defendants leave to file an Amended Answer in this action, a true and correct copy of which is attached hereto as Exhibit "A".

IT IS SO STIPULATED



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